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January 30, 2009

Honorable Judge James Larson
450 Golden Gate Ave.
Courtroom F, 15th Floor
San Francisco, CA 94102

Re: Contractors Bonding and Insurance Co. v. Yue H. Lei, et al.
United States District Court (Northern) Case No. C 08-01973 JL
Our File: CBI01-88027

Dear Judge Larson:

Enclosed please find the parties' Third Stipulation and Order for Extension of Deadlines for Order Setting Initial Case Management and Deadlines for Order Setting Initial Case Management Conference and Deadlines. The parties previously agreed to continue the initial conference to allow the underlying matter to be mediated. The mediation was previously scheduled for mid-October 2008 but now must be continued. We understand that the medical condition of the plaintiff in the underlying action has not yet stabilized and that mediation must therefore be pushed out to late February 2009. The parties continued to work co-operatively to allow the underlying mediation to proceed prior to proceeding with this coverage action. Accordingly, we enclose a stipulation and proposed order for the Court's consideration. Should there be any questions, please do not hesitate to contact the undersigned.

Very truly yours,

ROGER, SCOTT & HELMER LLP

By: 
Patricia M. Fama

PMF/lmr/140614
Enclosure

cc: Gary R. Selvin, Esq.
Harold J. Truett, III, Esq.

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10 IN THE UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
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13 CONTRACTORS BONDING AND }
14 INSURANCE COMPANY, } Case No. C 08-01973 JL

15 Plaintiff, }

16 v. }
17
18 YUE H. LEI, dba K&D }
CONSTRUCTION, et al. }
19
20 Defendant. })

THIRD STIPULATION AND ORDER FOR
EXTENSION OF DEADLINES FOR ORDER
SETTING INITIAL CASE MANAGEMENT
CONFERENCE AND DEADLINES

21
22 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES TO THIS ACTION,
23 through their Attorneys of Record herein:

24 Contractors Bonding and Insurance Company ("CBIC"), Yue H. Lei dba K&D
25 Construction ("K&D"), Susan Marsh ("Marsh") and Richard Jacquot ("Jacquot") have
26 agreed to continue the deadlines set forth in the Stipulation and Order for Extension of
27 Deadlines for Order Setting Initial Case Management Conference and Deadlines (Docket 8)
28 to allow the parties to this action to participate in an early mediation of the underlying

1 action, *Marsh, et al. v. Kin Wong, et al.*, Action No. CGC 05444356, San Francisco Superior
 2 Court, (the "underlying matter") towards resolution of it and the present action. The
 3 parties previously submitted Stipulations to the Court in relation to the deadlines set in
 4 this matter. The Second Stipulation was presented to the Court and accepted by the Court
 5 on October 1, 2008. (See Docket 12) When the Second Stipulation was presented it was
 6 anticipated that the mediation in the underlying matter will be scheduled on or before
 7 December 31, 2008.

8 Due to the medical condition of the underlying plaintiff the parties herein are
 9 advised that mediation of the underlying matter will not be scheduled until February,
 10 2009.

11 The parties have agreed and hereby stipulate to the following:

- 12 1. All parties hereby consent to proceed before Magistrate Judge Larson and have
 each filed a Consent to Proceed Before A United States Magistrate Judge.
- 13 2. CBIC grants to Yue H. Lei dba K&D Construction an open extension of time to
 respond to the Complaint for Declaratory Relief herein. Said open extension
 shall expire 10 days after the date set for mediation of the underlying matter.
- 14 3. CBIC grants to Susan Marsh and Richard Jacquot an open extension of time to
 respond to the Complaint for Declaratory Relief herein. Said open extension
 shall expire 10 days after the date set for mediation of the underlying matter.
- 15 4. The parties agree to participate in mediation of the underlying matter on or
 before March 16, 2009 before a mediator selected by the parties. The parties
 agree that mediation of the underlying matter may facilitate resolution of the
 present action and/or assist in the narrowing of issues in dispute herein.

24 Accordingly, the parties stipulate and request that the dates which are set forth in
 25 the October 1, 2008 Second Stipulation and Order for Extension of Deadlines for Order
 26 Setting Initial Case Management Conference (Docket 12), and as outlined herein, be
 27 continued to the convenience of the Court and to allow the parties to mediate this matter,
 28 as follows:

Scheduled Event	Scheduled Date	Proposed Continued Date
Last day to <ul style="list-style-type: none"> • meet and confer re initial disclosures, early settlement, ADR process selection and discovery plan • file Joint ADR Certification with Stipulation to ADR process or Notice of Need for ADR Phone Conf. 	1/28/09	Three Weeks Prior to Continued CMC Date
Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 269F) Report and file CMC Statement per Standing Order re Contents of Joint Case Management Statement	2/11/09	One Week Prior to Continued CMC Date
Initial Case Management Conference (CMC)	2/18/09 at 10:30 a.m.	Mid May 2009 May 13, 2009

IT IS SO STIPULATED.

Dated: January 30, 2009

ROGER, SCOTT & HELMER LLP

By:

Norman J. Roger
 Patricia M. Fama
 Attorney for Plaintiff
 CONTRACTORS BONDING AND
 INSURANCE COMPANY

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1 IT IS SO STIPULATED.

2 Dated: January 19, 2009

SELVIN, WRAITH & HALMAN LLP

3 By: Gary A. Selvin

4 Gary Selvin, Esq.
5 Attorneys for Defendant
6 YUE M. LEI DBA K&D CONSTRUCTION

7 IT IS SO STIPULATED.

8 Dated: January , 2009

WINCHELL & TRUETT

9 By:

10 Harold J. Truett, III, Esq.
11 Attorneys for Defendant
12 SUSAN MARSH and RICHARD JACQUOT

13 IT IS SO ORDERED.

14 Dated: January , 2009

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16 Magistrate Judge of the United States District
17 Court
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24 #135264
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1 IT IS SO STIPULATED.

2 Dated: January ____ 2009

SELVIN, WRAITH & HALMAN LLP

3 By:

4 Gary Selvin, Esq.
5 Attorneys for Defendant
6 YUE M. LEI DBA K&D CONSTRUCTION

7 IT IS SO STIPULATED.

8 Dated: January 23, 2009

9 WINCHELL & TRUETT

10 By: Harold J. Truett

11 Harold J. Truett, III, Esq.
12 Attorneys for Defendant
13 SUSAN MARSH and RICHARD JACQUOT

14 IT IS SO ORDERED.

15 February 4

Dated: January ____ 2009

16 James Larson
17 Magistrate Judge of the United States District
18 Court

19 #135264